

LE SUEUR COUNTY PLANNING COMMISSION
May 12, 2022

TO: LE SUEUR COUNTY BOARD OF COMMISSIONERS
FROM: LE SUEUR COUNTY PLANNING COMMISSION
SUBJECT: "REQUEST FOR ACTION"

The Planning Commission recommends your action on the following items:

ITEM #1: LE SUEUR COUNTY PARKS DEPARTMENT, LE CENTER, MN, (APPLICANT) LE SUEUR COUNTY, LE CENTER, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 1,211 cubic yards of material on a lot, of which 16 cubic yards is located in the shore impact zone, for the construction of 2 stormwater filtration basins; Construct an 8' x 10' beach sand blanket and a boulder retaining wall located in the shore impact zone in a Conservancy "C" District, Special Protection "SP" Shoreland District, and Flood Fringe "FF" Floodplain Overlay District, Lake Washington, a Recreational Development "RD" lake. The property is located in parts of Government Lots 1 and 2, and in part of the Northwest Quarter of Section 12, Kasota Township.

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the attached findings for this request:

Therefore, the Planning Commission recommends approval of the application as written.

ACTION: ITEM #1: _____

DATE: _____

COUNTY ADMINISTRATOR SIGNATURE: _____

ITEM # 1 FINDINGS OF FACT

LE SUEUR COUNTY PARKS DEPARTMENT, LE CENTER, MN, (APPLICANT) LE SUEUR COUNTY, LE CENTER, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 1,211 cubic yards of material on a lot, of which 16 cubic yards is located in the Shore Impact Zone, for the construction of 2 stormwater filtration basins; Construct an 8' x 10' beach sand blanket and a boulder retaining wall located in the shore impact zone in a Conservancy "C" District, Special Protection "SP" Shoreland District, and Flood Fringe "FF" Floodplain Overlay District, Lake Washington, a Recreational Development "RD" lake. The property is located in parts of Government Lots 1 and 2, and in part of the Northwest Quarter of Section 12, Kasota Township.

WHEREAS, the Le Sueur County Planning Commission held a public hearing on May 12, 2022 in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

WHEREAS, the Le Sueur County Planning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends **approval** of the request due to the following findings:

1. *The conditional use would not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity. (6-0 in support)*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. (6-0 in support)*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided. (6-0 in support)*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to service the proposed use. (6-0 in support)*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. (6-0 in support)*
6. *The conditional use is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance. (6-0 in support)*
7. *The conditional use is consistent with the Comprehensive Land Use Plan. (6-0 in support)*
 - *This request is consistent to Goal #2 of the Le Sueur County Comprehensive Plan. This goal is related to the conservation and restoration of natural resources.*

WHEREAS, On April 24, 2022, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by the **LE SUEUR COUNTY PARKS DEPARTMENT.**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the May 24, 2022 Le Sueur County Board of Commissioners meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

1. *The conditional use would not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to service the proposed use.*

5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
6. *The conditional use is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
7. *The conditional use is consistent with the Comprehensive Land Use Plan.*

BE IT FURTHER RESOLVED, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, Conditional Use Permit #2022126 to allow the applicants to initiate Grading, Excavating, and Filling activities in excess of 1,211 cubic yards (16 cubic yards in the Shore Impact Zone) to create two stormwater basins, a Sand Beach Blanket, and a boulder Retaining Wall in the Shore Impact Zone. The property is located in parts of Government Lots 1 and 2, and in part of the Northwest Quarter of Section 12, Kasota Township, is APPROVED / DENIED. If approved, the following conditions shall apply:

1. The Project Description, the Proposed Grading Plan, and Proposed Tree Removal & Restoration Plan (submitted April 13, 2022, April 26, 2022, and April 19, 2022) would become part of the permit. Any deviation from this request would trigger a review from the Environmental Services Department for determination of whether the Conditional Use Permit needed to be amended.
2. Prior to the commencement of any grading, excavating, or filling activities, all required erosion control measures shall be installed and approved by County Environmental Resources staff. The erosion control BMP measures shall be maintained and remain in place for the duration of the project and until the applicable disturbed areas have been stabilized with vegetation.

ATTEST:

Danny O’Keefe, Chairman, Le Sueur County Board of Commissioners

Joseph Martin, County Administrator

DATE: _____